



**NEW YORK CITY HOUSING AUTHORITY  
LAW DEPARTMENT**  
90 CHURCH STREET • NEW YORK, NY 10007  
<http://nyc.gov/nycha>

**LISA BOVA-HIATT**  
Interim Chair & CEO  
**DAVID ROHDE**  
Interim EVP of Legal Affairs and General Counsel

WRITER'S DIRECT LINE  
(212) 306-8611

September 30, 2022

**REQUEST GRANTED.**

*Via ECF*

The Honorable Judge Lewis J. Liman  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1620  
New York, NY 10007

The Initial Pretrial Conference and deadline for the proposed case management plan is adjourned sine die. Discovery is stayed pending resolution of the motion to dismiss. Within one week after the resolution of the motion, if necessary, parties are to request an initial conference with the Court.

10/3/2022 SO ORDERED.

Re: *Robert Mercer v. NYCHA*  
No. 22-CV-02271 (LJL)(JEW)

A handwritten signature in black ink, appearing to read "L. Liman", is written over a horizontal line. Below the line, the text "LEWIS J. LIMAN" and "United States District Judge" is printed in a small, sans-serif font.

LEWIS J. LIMAN  
United States District Judge

Dear Judge Liman:

I am counsel for Defendant New York City Housing Authority ("NYCHA") in the above-referenced matter. I write to respectfully request: (1) an adjournment of the upcoming Initial Pretrial Conference currently scheduled for October 11, 2022, at 11 A.M.; (2) an extension of time to submit a proposed case management plan; and (3) a stay of discovery pending resolution of the motion to dismiss. This is the first request to adjourn the upcoming conference, and the first request for a stay of discovery in this matter. Plaintiff consents to this application.

On August 16, 2022, NYCHA filed an application to extend the time to file a response to the First Amended Complaint, and also proposed a briefing schedule for the Court's endorsement.<sup>1</sup> See ECF No. 13. On August 23, 2022, the Court granted the application for an extension of time. See ECF No. 14. In accordance with NYCHA's application dated August 16, 2022, NYCHA filed its motion to dismiss on September 26, 2022. See ECF Nos. 16-17. On September 20, 2022, the Court filed its Scheduling Order Initial Case Management Conference, instructing both parties to submit a Proposed Case Management Plan by October 4, 2022, and attend a telephone Initial Pretrial Conference on October 11, 2022, at 11 A.M.

NYCHA respectfully requests the Court adjourn the upcoming Initial Pretrial Conference, as well as the deadline to file a proposed case management plan, until sometime after resolution of the motion to dismiss, if it is still needed. NYCHA believes the motion to dismiss will be fully dispositive because, for the reasons stated in the accompanying Memorandum of Law, Plaintiff fails to sufficiently allege any policy, practice, or custom adopted or promulgated by NYCHA deprived him of a constitutional right. See ECF No. 17, NYCHA's Memorandum of Law in Support of its Motion to

<sup>1</sup> The proposed briefing schedule is as follows: NYCHA to serve its motion to dismiss by September 26, 2022; Plaintiff to serve any opposition by October 26, 2022; NYCHA to serve its reply, if any, by November 9, 2022.

Dismiss. For efficiency purposes and to avoid prejudice to NYCHA, NYCHA respectfully request the Court adjourn the Initial Conference and stay discovery pending resolution of the motion to dismiss. *See O'Sullivan v. Deutsche Bank AG*, 17-CV-8709 (LTS) (GWG), 2018 WL 1989585 (S.D.N.Y. April 26, 2018) (granting defendants' application to stay discovery pending resolution of the motion to dismiss upon a showing of good cause.).

Respectfully submitted,

/s/ William T. Gosling  
William T. Gosling

cc: Robert Mercer  
255 W 127 Street, Apt. 13D  
New York, NY 10027  
*Plaintiff Pro Se*